

**CITY OF JORDAN
ORDINANCE 2021-11**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 150 BUILDING
REGULATIONS; CONSTRUCTION BY AMENDING SECTION 150.102
BUILDING PERMITS REQUIRED**

Subdivision 1. Purpose. City Code Chapter 150 addresses among other things, when building permits are required at Section 150.102 and in addition to the penalty provided at Section 150.102 (D) cross-references Section 150.999 for the penalty for violations of Section 150.102. The City Council for the City of Jordan, Minnesota finds that amendments to City Code Section 150.102 (D) are necessary to reflect stages of enforcement and penalties associated therewith.

Subdivision 2. Amendment. NOW BE IT ORDAINED AND ENACTED by the City Council of the City of Jordan that Section 150.102 (D) of the Jordan City Code is hereby amended to read as follows:

(D) (1) If the City staff determines a person has violated Section 150.102 the City Administrator shall notify the owner and/or the person believed to be responsible for the violation of the and the imposition of an administrative penalty in the amount set by Council for each day thereafter that the violation remains, as a separate offense shall be deemed committed upon each day during which a violation occurs or continues. The written notice shall inform the recipient of his/her right to appeal an administrative penalty under division (D)(2). The notice may be served personally or by certified mail, return receipt requested, to the last known address of the property owner and/or person believed to be responsible for the violation.

(2) A person notified of the imposition of an administrative penalty pursuant to division (D)(1), may request a hearing before the City Council by submitting a notice of appeal to the City Administrator within 20 days of receipt of written notice of administrative penalty. Following a timely receipt of a written notice of appeal, the person shall be afforded an opportunity for a hearing before the City Council. The City Council may affirm, adjust, or waive the administrative penalty. The administrative penalty shall be effective beginning on the date the property owner and/or person believed to be responsible for the violation receipt of the written notification from the City Administrator and continuing until violation is eliminated/resolved to the City's satisfaction, unless adjusted or waived by City Council at the conclusion of an appeal.

(3) If after the City Administrator has provided written notice of the imposition of an administrative penalty and the appeal period has expired or the administrative penalty was either affirmed or adjusted by the City Council at the conclusion of a timely appeal, and the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected within thirty (30) days the expiration of the time to request an appeal hearing or after the date of the appeal hearing, the city, through its Attorney, may bring criminal charges in accordance with state law and this code. Likewise, the city, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall

be initiated by the city for the alleged violation. Any person violating this section may be charged with a misdemeanor. A separate misdemeanor shall be deemed to have been committed upon each day during which a violation of the Code occurs or continues.

(4) Failure to accurately and correctly describe the location of the new or expanded structure and its distance from a city easement or setback is a violation of this code and in addition to being subject to administrative penalties and possible criminal prosecution set forth herein, the illegally placed structure may have to be removed at the applicant's expense.

Subdivision 3: Effective Date. This ordinance is effective immediately following its publication in the official newspaper of the City.

ORDAINED by the City Council of the City of Jordan, Scott County, Minnesota this ____ day of _____, 2021.

Mike Franklin, Mayor

ATTEST:

Tom Nikunen, City Administrator